

Notice Of Intention To Amend The Conflict Of Interest Code Of The Department Of Industrial Relations By The Director Of Industrial Relations: California Code Of Regulations, Title 8, Division 1, Chapter 8, Subchapter 5, Section 17000 And Appendix

The Director of the Department of Industrial Relations (“Director”) proposes to adopt a regulation amending the Department’s Conflict of Interest Code, as required by Government Code sections 87306 and 87306.5. The amendment repeals the existing listing of Disclosure Categories and listing of Designated Positions, both in the Appendix to the Conflict of Interest Code, and adopts new listings of Disclosure Categories and of Designated Positions. The Code is located in section 17000, in Subchapter 5 of Chapter 8, Division 1 of Title 8 of the California Code of Regulations.

The authority for this action is Government Code section 87306.
Reference: Government Code sections 87300-87302 and 87306.

OBTAINING COPIES

Copies of the proposed amendment are available to interested persons on request. Copies may be obtained

By writing to:

Linda Tejada
Division of Workers’ Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

By telephoning and requesting a copy:

415-703-4671

By an visiting in person the offices of the Department of Industrial relations at:

Department of Industrial Relations
Office of Director – Legal
Suite 9512
455 Golden Gate Avenue– 9th Floor
San Francisco, California

The proposed amendment may also be viewed on the Department’s website. The internet address of the Department’s website is:
<http://www.dir.ca.gov/>

SUBMITTING COMMENTS

Any person may submit written comments, including statements, argument, or contentions regarding the proposed amendment. Any timely submitted written comments must be considered by the Director before the proposed amendment is finally adopted. Any written comments should be submitted to:

Linda Tejada
Division of Workers' Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

Written comments may also be submitted in person by delivering to the Department Of Industrial relations at:

Department of Industrial Relations
Division of Workers' Compensation
455 Golden Gate Avenue – 9th Floor
San Francisco, California

In order for any written comments to be considered by the Department before it amends the Conflict of Interest Code, they must be actually received in the offices of the Department by 5:00 PM, May 28, 2002.

FURTHER INFORMATION:

Inquiries concerning the proposed amendment to the Conflict of Interest Code may be made to:

Linda Tejada
Division of Workers' Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

Telephone: (415) 703-4671

The Department has prepared a written explanation of the reasons changes in the designations and the disclosures responsibilities, and has available all information upon which the proposed changes are based.

REQUESTING A PUBLIC HEARING:

Any interested person may request that the Department hold a public hearing on the proposed amendment to the Conflict of Interest Code, by submitting a written request to the Department by mail at:

Linda Tejada

Division of Workers' Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

or in person at:

Department of Industrial Relations
Office of Director – Legal
Suite 9512
455 Golden Gate Avenue – 9th Floor
San Francisco, California

A request for a public hearing must be actually received in the offices of the Department by 5:00 PM, May 13, 2002

FINDINGS:

The adoption of the proposed amendment to the Conflict of Interest Code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The adoption will not result in any non-discretionary cost or savings to local agencies. The adoption will not result in any cost of savings in federal funding to the state. The adoption will not impose a mandate on local agencies or school districts. The adoption will not have any potential cost impact on private persons or businesses including small businesses.

The Department must determine that no alternative considered by the Department would be more effective in carrying out the purpose for which the amendment is proposed or would be more effective and less burdensome to affected private persons than the proposed amendment.

SUMMARY OF AFFECTED PROVISIONS OF EXISTING CODE AND PROPOSED CHANGES

No substantive section of the existing code is being changed. The Appendix, which lists disclosure categories and designates employees is being changed. The number of Disclosure Categories is reduced from twenty-four to eleven. The Disclosure Categories are restructured to be more directly related to the function performed by the employee and the possible source of conflict of interest. Most categories will have reduced disclosure requirements compared to categories in the existing Code.

Existing category distinctions based on the geographic area of an employee's jurisdiction have been deleted. They have been replaced by references to an employee's subject area jurisdiction. Existing categories for each of the Department's Divisions for employees who may participate in contracting decisions have been combined into a single Department-wide category for employees who may participate in contracting decisions.

Category 1, the category of broadest disclosure, currently requires disclosure all investments and sources of income. The new Category 1 will require only disclosure of an investment or source of income that: (1) is subject to the authority of the Department of Industrial Relations or any of its organizational components; (2) an organization or association composed primarily of persons or entities subject to the authority of the Department of Industrial Relations or any of its organizational components; or (3) engages in or derives any of its income from providing consulting services or educational seminars on matters subject to the authority of the Department of Industrial Relations or any of its organizational components. The *subject to the authority of* clause includes within its reach all employers within the state.

[Positions created since the Code was adopted are added to the listing of designated employees.](#)